



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 18, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-26 Champion on Habeas Corpus, S065575. Original proceeding. In this case, which is related to the automatic appeal in People v. Champion, 9 Cal.4th 879, the court issued an order to show cause limited to the issue of whether trial counsel provided ineffective assistance at the penalty phase of petitioner's trial.

#02-27 DVD Copy Control Assn. v. Bunner, S102588. (H021153; 93 Cal.App.4th 648.) Petition for review after the Court of Appeal reversed an order granting a preliminary injunction. This case concerns whether a preliminary injunction under the Uniform Trade Secrets Act (Civ. Code, § 3426 et seq.) barring the posting of DVD de-encryption software on the Internet violates the First Amendment to the federal Constitution as a prior restraint on protected speech.

#02-28 In re John Z., S103427. (C036210; 94 Cal.App.4th 33.) Petition for review after the Court of Appeal affirmed orders in a wardship proceeding. This case concerns whether the crime of forcible rape is committed when a female victim consents to the initial penetration but withdraws consent during intercourse and intercourse continues against her will.

(over)

#02-29 People v. Laino, S103324. (D037111; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case concerns whether a prior guilty plea in Arizona qualified as a “strike” under the three strikes law although the charges were dismissed in that state, without entry of judgment of guilt, upon the defendant’s successful completion of probation.

#02-30 In re Martinez, S103581. (B150882; 94 Cal.App.4th 191.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus.

#02-31 People v. Ordaz, S102904. (F034923; unpublished opinion.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

Martinez and Ordaz both concern whether a defendant who has been reconvicted after his or her initial conviction was reversed on appeal is entitled to presentence credit under Penal Code section 4019 for the time the defendant spent in prison serving his or her original sentence before the initial conviction was reversed.

#02-32 Martin v. Szeto, S103417. (A094405; 94 Cal.App.4th 687.) Petition for review after the Court of Appeal reversed an order in a civil action. This case concerns whether Code of Civil Procedure section 1021.7 permits an award of attorney fees to a defendant in any action for libel or slander, or only in libel or slander actions that are brought by or against a peace officer.

#02-33 People v. Reynoso, S103343. (F034873; 94 Cal.App.4th 86.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses.

#02-34 People v. Reynoso, S103340. (F034709; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses.

Both of the Reynoso cases concern whether the trial court made an adequate inquiry into the prosecutor’s reasons for exercising a peremptory challenge against a prospective juror.

#02-35 People v. Simmons, S103452. (C036269; 93 Cal.App.4th 1266.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#02-36 Williams v. Superior Court, S103439. (D038141; 93 Cal.App.4th 1408.)
Petition for review after the Court of Appeal denied a petition for peremptory writ of prohibition.

The court ordered briefing deferred in Simmons and Williams pending decision in Manduley v. Superior Court, S095992 (#01-42), which concerns the validity of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)).

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